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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

LUCENT TECHNOLOGIES, INC.,

Defendant.

No. C-05-0269 MMC

**ORDER CONDITIONALLY CLOSING  
CASE FOR STATISTICAL PURPOSES**

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On January 19, 2005 the above-titled action was transferred to this District from the Central District of California. Shortly thereafter, on February 11, 2005, the Court stayed the action at the parties' request, pending the Ninth Circuit Court of Appeals' decision in Hulteen v. AT & T Corp., C-01-1122 MJJ. The Ninth Circuit, on August 17, 2007, filed its decision in Hulteen. See Hulteen v. AT & T Corp., 498 F.3d 1001 (9th Cir. 2007). On October 22, 2007, AT&T Corp. filed a petition for certiorari with the United States Supreme Court. See AT & T Corp. v. Hulteen, 2007 WL 3129920 (2007).

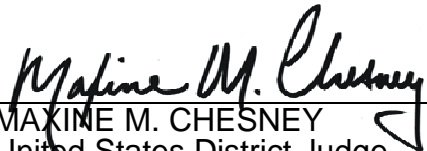
Accordingly, the action having been stayed for a period of over three years, nearly the entire pendency of the action in this District, and the appeal on which the outcome of the action depends proceeding without indication of when such appeal may be resolved, the action is hereby CLOSED for statistical purposes only.

Nothing contained in this order shall be considered a dismissal or disposition of the

1 action, and should further proceedings become necessary herein, any party may initiate  
2 them in the same manner as if this order had not been entered.

3 **IT IS SO ORDERED.**

4 Dated: February 15, 2008

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MAXIME M. CHESNEY  
United States District Judge